III. Water Quality Listings by Category

C. Overview of Category 4B – Has a Pollution Control Plan

When data show that a waterbody segment is impaired by a pollutant, but a local, state, or federal authority has approved a pollution control plan (or sediment clean up plan), and that plan is believed by Ecology to be reasonably expected to meet water quality standards in the near future, the segment will be placed in the *Has a Pollution Control Plan* category. A 303(d) listing is not required because the pollution control plan is designed to improve and attain water quality in a manner comparable to a TMDL that would be required by a listing. This will not include cases when Ecology determines that the plan is not being successfully implemented.

Progress on water quality improvements is an essential element in a successful pollution control plan. This category is not part of the 303(d) list. The mere existence of pollution controls, such as permit requirements or water quality regulations, is not sufficient to qualify a waterbody segment for this category. To be placed in the *Has a Pollution Control Plan* category, rather than on the 303(d) list, the pollution control plan must meet all of the following criteria:

- Have enforceable pollution controls or actions stringent enough to attain the water quality standard or standards (or, for sediments, to clean up the sediments to sediment quality standards and prevent future sediment contamination)
- Be problem-specific and waterbody-specific
- Have reasonable time limits established for correcting the specific problem, including for interim targets when appropriate
- Have a monitoring component
- Have adaptive management built into the plan to allow for course corrections if necessary
- Be feasible, with enforceable legal or financial guarantees that implementation will occur, and
- Be actively and successfully implemented and show progress on water quality improvements in accordance with the plan

Ecology will review each pollution control plan that is suggested to meet these criteria. The timeframe for correcting the impairment will be considered reasonable if it is as fast as practical given full cooperation of all parties involved and if it is similar to the timeframe that would likely be developed under a TMDL. The plan must specifically indicate how the controls and other planned actions will be implemented to achieve attainment of water quality standards within the timeframe, and the actions must be

implemented accordingly. Monitoring must be scheduled to verify that the water quality standards or interim targets are attained as expected. Modeling may be required to show that attainment of water quality standards is likely. Documentation must be provided to clearly explain and support how the pollution control plan meets the criteria for each specific pollutant and waterbody. Examples that may qualify for this category, if they meet all of the criteria above, include:

- CERCLA, MTCA, or RCRA sites with signed legal agreements (e.g., Records of Decision) and source control measures to prevent future contamination

- Habitat Conservation Plans with specific plans to address water quality

Other types of plan also may qualify if they meet all of the criteria above.

If the pollution control plan addresses only one or some sources of impairment, but not all of them, then to qualify for this category that plan must be sufficient alone to fully correct the impairment without any further action regarding the unaddressed sources. Ecology will not place a waterbody segment in the *Has a Pollution Control Plan* category for the purposes of some sources while other sources continue to cause the same impairment. In this situation, the segment will be placed on the 303(d) list and the pollution control plan will instead be accounted for during the preparation of the TMDL.

All segments covered by existing pollution control plans that qualify for this category will be reviewed during each assessment cycle. At some future date, either during or between assessment cycles, if Ecology determines that the pollution control plan is unsuccessful or no longer meets the criteria above due to either implementation problems or lack of progress on water quality improvement, then, in consultation with EPA, the waterbody segment will be returned to the 303(d) list. Likewise, when a qualifying pollution control plan is approved for a segment on the 303(d) list, then, in consultation with EPA, that segment will be moved to *Has a Pollution Control Plan* category, without waiting for the next assessment cycle. The rationale for moving the segment will need to be explained and documented.
If two or more pollution control plans apply to the same pollutant in the same impaired waterbody segment, and neither plan is sufficient alone but their combined effect meets the requirements for this category, then the segment would qualify for this category as long as both plans are successfully implemented.

IV. Water Quality Listings by Category

ii. Water Quality Assessment Category 4B Ecology's Findings

Title of Plan: Mount Vernon WWTP NPDES Permit
Listing ID: 17493 (new listing)
WRIA 3
Water: Skagit River
Parameter: Ammonia-N
A copy of this permit can be viewed in Ecology's files

The City of Mount Vernon has submitted an engineering plan for the outfall improvements (Project No. 03-06) that will increase effluent dilution and resolve ammonia issues. Ecology has approved the plan (May 6, 2003), and construction has begun. The goal of the plan is to build a new outfall to achieve better dilution at the Mt Vernon Waste Water Treatment Plant which would in turn correct the Ammonia-N problem. Effluent limits were placed on the treatment plant as a result of this study. Publications 97-326a and 00-10-031 have been provided to EPA as a basis for the Category 4B listing. The primary enforcement mechanism is the effluent limit contained within the NPDES permit. Based on data and modeling, the improvements have the potential to remove ammonia limits from this WWTP's NPDES permit. The increased dilution is expected to reduce or eliminate instances of ammonia criteria exceedences. Ecology believes the upgraded NPDES permitted activity is sufficient to quality as a Category 4B.

1. **has enforceable pollution controls or actions stringent enough to attain water quality standards (or, for sediments, to clean up the sediments to sediment quality standards and to prevent future sediment contamination);**
   YES – this will be in the form of a NPDES permit effluent limit

2. **is problem-specific and waterbody-specific (Parameters and Listing IDs);**
   Listing ID: 17493 (new listing)
   Water: Skagit River
   Parameter: Ammonia-N

3. **has reasonable time limits established for correcting the specific problem, including for interim targets when appropriate;** the time limits in the NPDES permit

4. **has a monitoring component**; yes it is a NPDES permit so there are DMRs

5. **has adaptive management built into the plan to allow for future course corrections if necessary;** yes it is a NPDES permit and effluent will be monitored to determine is ammonia is still an issue of concern after the construction.

6. **is feasible, with enforceable legal or financial guarantees that implementation will occur;** It is an NPDES Permit with regulatory requirements

7. **is actively and successfully implemented and shows progress on water quality improvements in accordance with the plan.** Ecology has approved the plan (May 6, 2003) and construction has begun

Water Quality Assessment Category 4B Ecology's Findings

Title of Reports:	Burley Watershed Prevention/Restoration Project Gorst Area On Site Sewage Systems Sanitary Survey Project Port Gamble Bay/Gamblewood Sanitary Survey Project Dogfish Creek Restoration Project By Kitsap County
Listing IDs:	From 1998 List--7633, 7640, 7641, 7643, 7651, 7652, 7653, 10370, 10371, 10373, New Listings--23695, 38540, 38544, 10389, and 10387.
WRIA 15	
Waters:	Burley Creek, Dogfish Creek, Dogfish Creek E.F., Dogfish Creek W.F., Gamble Creek, Gorst Creek, Martha-John Creek, and Purdy Creek.
Parameter:	Fecal Coliform

Plans can be seen in Ecology files

Kitsap County Health submitted their plans as part of the first public review of the Assessment because they were already in the process of implementing steps to control and improve fecal coliform listings under their jurisdiction. These 15 listings are located within Kitsap County and are included in four separate Pollution Identification and Control (PIC) projects that were funded by Ecology by Centennial Clean Water Fund and Special On-Site/Shellfish Grants. These plans represent Kitsap County's efforts to preclude further damage to the environment through the immediate initiation of cleanup plans as opposed to waiting for a TMDL to happen. Failing septic systems and animal waste management plans were identified as the key source or fecal coliform contamination. Repairs have been made to most septic systems. Through this process, a few failed systems have been identified that are in the process of being fixed. The county has also worked with landowners to develop and implement animal waste management plans. The plans contain a monitoring component and sample enforcement documents. In one case, implementation of the plan is cited as being responsible for the upgrading of 110 acres of commercial shellfish beds to Approved status. The four plans, although issued at separate times, show on-the ground improvements to addressing fecal coliform problems. The plans are closely tied to the county's annual Water Quality Monitoring Report. Ecology believes these plans are a model example of what a good 4B Plan consists of, and has shared them with other communities interested in resolving water quality problems through a pollution control plan.

1. **has enforceable pollution controls or actions stringent enough to attain water quality standards (or, for sediments, to clean up the sediments to sediment quality standards and to prevent future sediment contamination);** already in the process of implementing animal waste management plans that include enforcement along with septic system assessments and repairs.

2. **is problem-specific and waterbody-specific (Parameters and Listing IDs);**
   Listing IDs: From 1998 List--7633, 7640, 7641, 7643, 7651, 7652, 7653, 10370, 10371, 10373,
   New Listings--23695, 38540, 38544, 10389, and 10387.
   Waters: Burley Creek, Dogfish Creek, Dogfish Creek E.F., Dogfish Creek W.F., Gamble Creek, Gorst Creek, Martha-John Creek, and Purdy Creek.
   Parameter: Fecal Coliform

3. **has reasonable time limits established for correcting the specific problem, including for interim targets when appropriate;** Failing septic systems were identified as the key source or fecal coliform contamination and repairs have been made to most systems. A few failed systems have been identified that are in the process of being fixed. The health district is meeting with landowners on animal waste management practices and is enforcing animal waste management plans once developed.

4. **has a monitoring component**; yes. The effectiveness of these programs is tied to the county's baseline water quality program.

5. **has adaptive management built into the plan to allow for future course corrections if necessary**; Yes this is tied to the ongoing monitoring to measure success.

6. **is feasible, with enforceable legal or financial guarantees that implementation will occur**; Most of these septic tank corrections and animal waste plans have already been implemented. The county is out enforcing the plans.

7. **is actively and successfully implemented and shows progress on water quality improvements in accordance with the plan**. These plans are being implemented and have resulted in the upgrading 110acres of commercial shellfish beds.

Water Quality Assessment Category 4B Ecology's Findings

Title of Plan: Yellowjacket Water Quality Restoration Plan by US Forest Service
Listing IDs: From 1998 List: 7792, 7793, 7794, 7796, 22230
New Listings: 19868, 19869, 22184, 22198, 22199, 22202, 22222, 22224, 22253
WRIA 26
Waters: 1918 Creek, Cispus River, Cispus River N.F, East Canyon Creek, Iron Creek, Pumice Creek, and Yellowjacket Creek.
Parameter: Temperature
Plan can be seen in Ecology or EPA files

These waters are collectively known as the Yellowjacket Water Quality Restoration Plan. A 4B checklist was provided by USDA Forest Service, Pacific Northwest Region; Gifford Pinchot National Forest, to demonstrate compliance with 4B criteria. The submitted plan includes enforceable pollution controls through the current Forest Land Management Plan as amended by the Northwest Forest Plan. BMPs are included in the NWFP direction as standards and guides, in the Gifford Pinchot Forest Plan. The Plan has a monitoring and adaptive management component. Significant restoration, both passive and active, has been implemented in these watersheds. These activities have been monitored. Passive restoration continues to occur through time as a result of the NWFP Aquatic Conservation Strategy (ACS), especially the riparian reserve direction. The Yellowjacket plan identifies additional high priority active restoration needed to obtain ACS objectives, and outlines a strategy to implement and monitor activities identified in the plan. Ecology believes this watershed/waterbody specific plan meets the criteria of Category 4B, and can serve as a good model for other USFS areas that are interested in restoration planning and implementation to meet water quality.

1. **has enforceable pollution controls or actions stringent enough to attain water quality standards (or, for sediments, to clean up the sediments to sediment quality standards and to prevent future sediment contamination);** already in the process of implementing and Required as part of the ROD for the NW Forest Plan

2. **is problem-specific and waterbody-specific (Parameters and Listing IDs);**
   Listing IDs: From 1998 List: 7792, 7793, 7794, 7796, 22230
   New Listings: 19868, 19869, 22184, 22198, 22199, 22202, 22222, 22224,
   Waters: 1918 Creek, Cispus River, Cispus River N.F, East Canyon Creek, Iron Creek, Pumice Creek, and Yellowjacket Creek.
   Parameter: Temperature

3. **has reasonable time limits established for correcting the specific problem, including for interim targets when appropriate;** The time limits are consistent with many of Ecology's approved TMDLS that require riparian restoration. Many of the projects have already been implemented.

4. **has a monitoring component**; Monitoring occurs and is highlighted in an annual report.

5. **has adaptive management built into the plan to allow for future course corrections if necessary;** Yes it is covered on page 42. Monitoring that shows a lack of effectiveness will mean improving projects and future BMPS to meet water Quality Standards.

6. **is feasible, with enforceable legal or financial guarantees that implementation will occur**; Many projects in this plan have been implemented. While money might be an issue if, monitoring shows WQ standards are met with implementation that has already occurred then the plan will already be successful.

7. **is actively and successfully implemented and shows progress on water quality improvements in accordance with the plan**. Many activities are already implemented. Many temperature TMDLS require time for riparian cover to develop so actual attainment of standards takes a significant amount of time.

Water Quality Assessment Category 4B Ecology's Findings

Title of Plan: Entiat WRIA 46 Watershed Plan
Listing ID: 3731 (New Listing)
Water: Entiat River
WRIA 46
Parameter: Temperature
See plan at this site:
http://www.chelancd.org/WRIA46_Plan.htm

The Entiat Watershed Planning Unit (EWPU) provided a 4B checklist and plan to demonstrate compliance with 4B requirements. On May 17, 2004, the Planning Unit unanimously approved submittal of the Entiat WRIA 46 Management Plan. The EWPU has begun installing instream structure and riparian plantings in the lower 10 miles of the Entiat River as part of the WRIA 46 Management Plan. The plan is partially funded with additional funding being pursued on a project by project basis. A Detailed Implementation Plan covers site-specific (on the ground projects) which are governed by rules and regulations. The Entiat Watershed Planning Unit's plan has been approved by federal, state and tribal agencies, local government and landowner members and contains adaptive management and includes a monitoring component. A 4B checklist was provided by EWPU staff and gives additional information related to meeting 4B criteria. Ecology believes this watershed specific plan meets the criteria of Category 4B.

1. **has enforceable pollution controls or actions stringent enough to attain water quality standards (or, for sediments, to clean up the sediments to sediment quality standards and to prevent future sediment contamination);** Yes. Revegitation and improvements to the hydrology.

2. **is problem-specific and waterbody-specific (Parameters and Listing IDs);**
   Listing ID: 3731 (New Listing)
   Water: Entiat River
   Parameter: Temperature

3. **has reasonable time limits established for correcting the specific problem, including for interim targets when appropriate;** Implementation of the revegitation activities have already begun. Additional projects are in the process of being scheduled.

4. **has a monitoring component;** yes and it is currently in place

5. **has adaptive management built into the plan to allow for future course corrections if necessary;** yes- Plan states that monitoring and continual feedback to make corrections are integral to the success of these restoration activities.

6. **is feasible, with enforceable legal or financial guarantees that implementation will occur;** Many activities are currently underway and future activities are planned.

7. **is actively and successfully implemented and shows progress on water quality improvements in accordance with the plan.** The plan is already actively being implemented and the monitoring is already showing improvements and increased use by fish.

Water Quality Assessment Category 4B Ecology's Findings

Title of Plan: 401 certification issued for the Lake Chelan Hydroelectric Project (FERC No. 637) on April 21, 2003.
Listing ID: 11283 and 15182 (both new listings)
Water: Chelan River
WRIA 47
Parameter: Temperature
See WQ Certification at this site:
http://www.ecy.wa.gov/programs/wq/ferc/existing_certs/chelan_lake_cert.pdf

These temperature listings flow out of Chelan Lake and were collected as part of the 401 certification issued for the Lake Chelan Hydroelectric Project (FERC No. 637) on April 21, 2003. Historically, prior to the project, during most of the summer, temperatures in the Chelan River would have exceeded 18.0º C, which is the target under current Class A standards. Studies performed for this project predict that the proposed minimum flows for the Chelan River would result at times in temperature more than 0.3 º C above temperatures that would naturally occur.

The Chelan River has been dewatered for over 76 years and it is not currently known what level of support for fish and water temperature for such use can reasonably be achieved in the river. To make that determination, Ecology believed that the best approach would be to proceed with a ten year adaptive management plan which will allow a sufficiently lengthy period of time to determine what level of fish support and water temperature is reasonable and feasible to achieve. This was built into the 401 certification. Monitoring requirements and adaptive management options have been built into the 401 certification to address temperature issues. In year six of the permit, Chelan PUD shall provide the results of a study to determine the geomorphic influences on water temperatures in the Chelan River in order to address temperature, velocity, depth, and substrate to determine the best methods to achieve the biological objectives for cutthroat trout. The plan and results shall be approvable by Ecology. This study shall be incorporated into the second submittal of the Biological Objectives Status Report. There are several other requirements built into the 401 certification for temperature. This enforceable permit, including an accompanying Biological Evaluation and Implementation Plan, are sufficient to bring the Chelan River into compliance with temperature and serve as a Category 4B Plan.

1. **has enforceable pollution controls or actions stringent enough to attain water quality standards (or, for sediments, to clean up the sediments to sediment quality standards and to prevent future sediment contamination);** This is part of a 401 Certification that is developed to meet WQ standards.

2. **is problem-specific and waterbody-specific (Parameters and Listing IDs);**
   Listing ID: 11283 and 15182 (both new listings)
   Water: Chelan River
   Parameter: Temperature

3. **has reasonable time limits established for correcting the specific problem, including for interim targets when appropriate**; Yes they are consistent with all of Ecology's Regulatory time limits
4. **has a monitoring component;** . Monitoring requirements and adaptive management options have been built into the 401 certification to address temperature issues. In year six of the permit, Chelan PUD shall provide the results of a study to determine the geomorphic influences on water temperatures in the Chelan River in order to address temperature, velocity, depth, and substrate to determine the best methods to achieve the biological objectives for cutthroat trout.

5. **has adaptive management built into the plan to allow for future course corrections if necessary;** Monitoring requirements and adaptive management options have been built into the 401 certification to address temperature issues. In year six of the permit, Chelan PUD shall provide the results of a study to determine the geomorphic influences on water temperatures in the Chelan River in order to address temperature, velocity, depth, and substrate to determine the best methods to achieve the biological objectives for cutthroat trout.

6. **is feasible, with enforceable legal or financial guarantees that implementation will occur;** The 401 certification is a legal administrative Order issued under Ecology's Statutory authority in the Washington Pollution Control Act.

7. **is actively and successfully implemented and shows progress on water quality improvements in accordance with the plan.** Yes .